PCB Point Source Monitoring Guidance

Response to Comments received from DEQ Regional Offices dated February 27, 2009

Comments are organized in sequence of the Guidance. General text is presented first followed by each appendix beginning with Appendix A.

Guidance:

- Memo Paragraph 1. The guidance needs to address "No Exposure" facilities as well. We found several facilities in the No Exposure files whose SIC codes matched the list below in the document.
  Response: Agree in general, but this page is intended to provide a general overview of the guidance without too many details.
- Introduction - Facility screening would be much more efficient if it was initiated by permit staff and then coordinated with the TMDL Coordinators.
  Response: This is a guidance document. As noted in Section V.A, the TMDL coordinator will be the first to see the TMDL schedule. However, each regional office may vary in assignments and leadership, therefore, this activity should be coordinated.
- Introduction – Is it now 1668 Revision B?
  Response: Yes.
- Part IV, Definitions, page 3, "Storm event:" The regulatory citation in the last line of this definition should be clarified to read, "9VAC 25-151-70 Part I.A.1.a(2)" to distinguish it from section A of Part II.
  Response: Agree.
- Section V, Procedure, page 3: The narrative states that the purpose of the guidance is to identify and quantify sources of PCBs. VPDES "Attachment A, Water Quality Criteria Monitoring" form (VPDES Permit Manual IN-3, page 7 and MN-3, page 6) is also used by Water Permit staff to identify a reasonable potential for a pollutant to be present in a discharge. Attachment A is not used for compliance purposes. Consequently, would it be prudent for VPDES "Attachment A" to be revised to reflect the low-level PCB method 1668, as well?
  Response: Agree it would be prudent to include this in Attachment A.
- Section V.A, Facilities Identified for Monitoring, page 3: The list of facilities subject to the guidance explicitly refers to industrial storm water discharges covered by a (VAR05) general permit (GP), but it is silent regarding industrial wastewater and storm water discharges authorized by other VPDES GPs. Is this silence to be strictly interpreted to mean the guidance does <u>not</u> apply to these other GPs, or that they <u>may</u> be, if notified by DEQ?
  - Likewise, the list specifies minor municipals that are less than 1.0 MGD. Does this include single family residences or domestic discharges < 1000 gpd?

  Response: As noted in the disclaimer on the front page, guidance documents are developed as guidance. As such, we believe DEQ staff use BPJ during each and every study. Therefore, other GPs may be included. Because PCBs are ubiquitous, it is likely every discharge could be determined a source of PCB

contamination. However, it is not our intent to collect data from each and every facility that discharges to PCB impaired waters, but just those facilities that offer the greatest potential of contributing large loads of the contaminant. It is unlikely single family residence or domestic discharges < 1000 gpd fall into this category. As a result, the guidance provides certain exceptions that include "Final determination will be made on a case-by-case basis with coordination between the regional TMDL and permit staff."

- Section V.A, Facilities Identified for Monitoring, page 3: There is no information provided as to what a "certified report" should contain to claim the exception. Many industrial facilities might claim PCBs were not present on site without having adequate site use information. Additional guidance on what a certified report should contain and how to evaluate such claims is needed.

  Response: Currently the guidance states "Certain exceptions may be considered" and includes "An individual facility certifies that PCBs were never present on the site." As noted by EPA and DEQ comments, the best evidence that an industrial facility is not discharging PCBs is through low-level monitoring as described in Appendix C and D. Therefore, wording to this section has been modified to include the following: "However, if the written certification letter is not supported by adequate low-level PCB data obtained in accordance with method described in Appendix C and D, DEQ may still request monitoring to obtain the data. The decision will be case by case based on the needs of the TMDL."
- Section V.A - Procedure, Exceptions: The second bullet states "Storm water discharge is to a POTW or through a CSO, or if the facility meets the definition of "no exposure" under 9 VAC 25-151-70." I don't think we should exclude facilities that may meet the "no exposure" definition now but have an SIC code that indicates historical potential for PCB's. If we applied this exemption for the BGF facility in Altavista we would not make them monitor the stormwater outfall which is the main source of PCB today. BGF also is leasing other industrial locations that probably qualify for no exposure but may have historical contamination from past practices. Also storm water should not discharge to a POTW or CSO.

  Response: Agree. A guidance document is not intended to capture or describe all potential events, but as noted in the disclaimer on the front page, guidance documents are developed as guidance. The guidance does include "The decision will be case by case based on the needs of the TMDL."
- Section V.A - Procedure, Exceptions: re "no exposure" facilities left up to the discretion of DEQ staff? When/How will staff know to look at no exposure facilities?

  Response: Yes, as noted above "Final determination will be made on a case-by-case basis with coordination between the regional TMDL and permit staff." Each impaired waterbody may be different. Because PCBs are ubiquitous, it is likely every discharge could be determined a source of PCB contamination. However, it is not our intent to collect data from each and every facility that discharges to PCB impaired waters, but just those facilities that offer the greatest potential of contributing large loads of the contaminant. We believe DEQ staff will use BPJ in such a determination. CO staff will be available for assistance.
- Section V.A: Table 1. Industrial Facilities by SIC Code Subject to PCB Monitoring Guidance. Suggested SIC Codes for inclusion in PCB Guidance to include the

following: Railroads, Line Haul Operating (4011), Motor Vehicle Parts, Used (5015), Transformers (3612)

Response: Agree.

- Section V.A: Should landfills be included in Facilities Identified for Monitoring? Maybe additional guidance is warranted to address these facilities. And does the guidance only apply to those facilities that discharge directly to a PCB impaired segment or to the watershed that would be covered by the TMDL study?

  Response: At this time, landfills are not covered under this guidance. As stated in the Summary and Section V.A, this guidance is intended for those VPDES permitted facilities discharging into PCB impaired waters. However, certain exceptions may be considered with final determination to be made on a case-by-case basis on the needs of the TMDL.

- Section V.A: Should additional facilities be considered that have other SIC Codes that are not in the guidance? What if a couple facilities did not have the guidance SIC codes, but could have a PCB source? The concern here is that if we only screen for the listed SIC codes we could be missing potential sources.

  Response: Agree. Each impaired waterbody may be different. Because PCBs are ubiquitous, it is likely every discharge could be determined a source of PCB contamination. However, it is not our intent to collect data from each and every facility that discharges to PCB impaired waters, but just those facilities that offer the greatest potential of contributing large loads of the contaminant. We believe DEQ staff will use BPJ in such a determination. CO staff will be available for assistance.

- Section V.A -Procedure, Exceptions: Monitoring Frequency, page 4: The proposed guidance states that dischargers should begin monitoring within one year of receipt of DEQ notification. To accomplish and enforce this, one might argue that a DEQ self-initiated major modification to the permit may be required. It appears from the wording in Appendix B2, however, this may not be the case - though Appendix B3 appears to reflect the opposite! Please clarify.
  - If a modification is needed, and is DEQ staff-initiated, who will pay for the public notice?
  - If a modification is needed, and the request comes with less than 15-months remaining in the permit term, will staff need to pursue a permit revoke/re-issuance process? How might that affect the 1-year start of PCB sampling? Would the date of the "notification" need to be tied to the date the permit modification is signed?

  Response: As noted in the disclaimer on the front page, guidance documents are developed as guidance. The intent is not to require a permit to undergo modification in order to implement the PCB monitoring. Rather, Appendix B2 notifies a pemittee relatively early (midway) in the TMDL development process that low-level PCB data are necessary to determine the potential loading from the facility. The information is being requested through Part II.D. of the existing permit. Appendix B3 has been provided as an example for those instances where a permit is undergoing reissuance or modification, or the PCB TMDL has been completed and insufficient data have been collected from that facility during the TMDL study. Since it is impossible to anticipate each and every possible

consequence, we believe DEQ staff will use BPJ during this process. CO staff will be available for assistance.

- Section V.A states "Once a PCB impaired segment appears on the TMDL development schedule, the regional TMDL coordinator is responsible for notifying the facility of data needs." Do other regional TMDL Coordinators do this? The permit staff is in contact with the facilities.
  Response: Yes.
- Section V.B, Monitoring Frequency, page 4: Monitoring frequencies should be listed as a minimum frequency rather than a recommended frequency. This would ensure adequate information is collected for the TMDL development. Additional clarification is needed for table 2, especially for industrial facilities. Will an industrial facility with a process water outfall and a stormwater (or stormwater comingled with process water) have to sample each outfall?
  Response: Agree.
- Section V.C, Sample Collection and Analytical Requirements mentions intake, WWTP influent and effluent. Intake is a term commonly used for a WTP. Where the three locations are physically sampled? Would two locations be sufficient for a WWTP?
  Response: It all depends on the question(s) being addressed and the characteristics of the WWTP. If the intake and WWTP influent are the same, then your answer is yes. However, if a facility received more than a single intake, then all three should be monitored.
- Section V.E, PCB Reporting Requirements, page 5: Unable find the electronic data formats on the DEQ webpage as referenced in the guidance.
  Response: All the links will be activated once the guidance has been thoroughly reviewed.
- General comment: This guidance document will generate considerable feed back and questions from permittees and could generate a considerable workload. Training and assistance for CO staff (i.e., review of exceptions claims) will be essential.
  Response: Agree. CO staff are currently providing assistance to regional offices and will continue to do so as needed.

Appendices:

- Should the statement on APP A, page 1, bullet #2, 8th sentence say "The basic revision of Method 1668**B** was validated in two laboratories."?
  Response: App A will not change. As noted in the heading, this appendix is text directly from EPA in 2007. This was a year prior to the release of 1668 revision B.
- Appendix B, The Department's intent to take enforcement action (for failure to monitor) is unclear.
  Response: As noted this guidance establishes procedures in support of TMDL development and data generated should not be used for compliance purposes. However, Section III is very clear as to our authority. Appendix B is provided to show the steps and can and should be used to meet DEQ's regulatory authority.

- Appendix B1, As written, the letter states that monitoring must be performed but does not state who needs to conduct the monitoring. The notification letter should be modified to clearly state that the facility is to conduct the PCB monitoring.
  Response: As noted within Section V.A, "Once a PCB impaired segment appears on the TMDL development schedule, the regional TMDL coordinator is responsible for notifying the facility of data needs." It is implied that any facility receiving the letter needs to monitor.
- Appendix B3, page 3, VPDES Permit Special Conditions, Items a. through e: To ensure enforceability, all "should" clauses need to be re-phased as "shalls."
  Response: Agree.
- Appendix B3, page 3, VPDES Permit Special Conditions, item c notes sampling protocol should be submitted to DEQ Regional Office for review and approval. Who reviews and approves this in the Regional office? TMDL coordinator, monitoring staff or should it go to Mark Richards?
  Response: Specific guidance for sample collection is provided in Appendix C. This guidance will best be achieved with coordination between the regional TMDL and permit staff. CO staff are currently providing assistance to regional offices and will continue to do so as needed.
- Appendix B3, page 3, VPDES Permit Special Conditions, item d. We can not add special conditions to general permits. Should this paragraph be in the reissuance cover letters sent to permittee's with Industrial storm water general permits?
  Response: The guidance documents are developed as guidance. We believe regional staff will use BPJ to ensure proper permitting procedures are maintained.
- Appendix B3, page 3, VPDES Permit Special Conditions, Item e: The requirement for a PMP (Pollutant Minimization Plan) should include a submittal destination as "DEQ-____Regional Office," similar to the Sampling Plan and data in Items c. and d.
  - A defined deadline period needs to be established (e.g. 90 days following submittal of qualifying results showing exceedance of a WQ criterion or WLA) for submitting the PMP to DEQ for review and approval.
  - To avoid unenforceability of a sloppy or poor quality submittal, the 1st sentence should be re-phrased to read, "…the permittee shall submit for review an approvable Pollutant Minimization Plan…"

  Response: Agree. Refer to above.
- Appendix B3, page 3, VPDES Permit Special Conditions, Item a: The enforceability of the 2nd sentence would be enhanced by incorporating, by reference, the Analytical Quality Control Requirements found in Appendix D.
  Response: Guidance documents are developed as guidance. Due to the variety and diversity between regions and permittees, the guidance provides examples that can be used or modified to meet regional needs.
- APP C2 of 18, A rain of 0.1" rarely causes a stormwater event, unless it happens fast on a completely impervious surface. Perhaps 0.5" rain would be a better minimum stormwater event, and that might even be low. My concern is that runoff from a 0.11" rain event will have PCB constituents that are not representative of runoff from a 0.5", 1", or 2+" rainfall event. I suspect the concentration of PCBs in a 0.11" event would vastly underestimate representative PCB concentrations in larger events because of the increased sediment load to which PCBs attach in heavier precip events.

Response: While precise stormwater monitoring can be challenging, it is important to be consistent with existing regulations. The stormwater monitoring procedures employed in this guidance were adopted directly from 9 VAC 25-151-70 Part I.A.1.a(2).

- In APP C page 17 of 18, bottom line, "%influent inc….", inc is unclear to me, and perhaps to others who would fill out the form, should the whole word be there? Its probably "included" but I do not know for sure.
  Response: This section of the sheet refers to hydrographic information and "inc." refers to % (percent) influent "increase." This will be clarified.
- In APP D1 of 10, Corrective Action, should CBs be PCBs, or did the statement mean chlorinated biphenyls?
  Response: The statement is directed toward all chlorinated biphenyls but for clarity, it will be changed to PCB.
- In APP D2 of 10, Requirements and Frequency, there is a confusing sentence. Should the phrase "…Method extract…" be changed to "Method. Extract…"
  Response: The statement should read"… in Section 11.5 of the Method; extract the sample as is)
- In APP D6 of 10, Corrective Action for Labeled Toxics/LOC, would it be appropriate to remove "and smaller amounts of soils, sludges, …" because the samples will deal only with liquid effluents or stormwater?
  Response: Agree
- In APP D9 of 10, mid page, No peak smoothing of the Chromatograph is **to** be undertaken.
  Response: Agree
- In APP D10 of 10, Why not take ½ of the U values rather than omitting them altogether, which would seem to underestimate the congener levels, albeit in minor quantities when added into Total PCBs?
  Response: Excluding ½ of the U value from the summation of total PCB concentration is a carry over from the EPA approved Potomac River PCB TMDL. A chemist involved in that project suggested if PCB congeners were not detected at these very low levels, the qualified congeners were indeed absent. The single exception is if the EDLs and EMLs are magnitude or more higher than what is prescribed in this guidance, it may then be appropriate to utilize ½ of the U value when calculating a total PCB concentration.